

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY JAMES BROOKSHIRE,

Plaintiff,

v.

SACRAMENTO COUNTY MAIN JAIL,
et al.,

Defendants.

Case No. 2:23-cv-2000-DC-JDP (P)

ORDER

Plaintiff, an inmate proceeding without counsel, has brought this action against correctional officers Carver and Montano. Plaintiff has also commenced another action in this district against the same defendants over the same dispute. *See Brookshire v. Sacramento County Sheriff's Dep't*, No. 2:23-cv-2001-DJC-CSK; *see also* ECF No. 19 (defendants' notice of related cases). These actions appear to be duplicative.

"Plaintiffs generally have 'no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendant.'" *Adams v. Cal. Dep't of Health Servs.*, 487 F.3d 684, 688 (9th Cir. 2007), *overruled on other grounds by Taylor v. Sturgell*, 553 U.S. 880, 904 (2008) (quoting *Walton v. Eaton Corp.*, 563 F.2d 66, 70 (3d Cir. 1977) (en banc)). "[I]n assessing whether the second action is duplicative of the first, we examine whether the causes of action and relief sought, as well as the parties or privies to the

1 action, are the same.” *Id.* at 689. Before dismissing this case, the court will allow plaintiff the
2 opportunity to explain why these actions are not duplicative and should proceed in this separate
3 action.

4 Accordingly, it is hereby ORDERED that within thirty days of this order’s issuance,
5 plaintiff must explain why this litigation is not duplicative of *Brookshire v. Sacramento County*
6 *Sheriff’s Dep’t*, No. 2:23-cv-2001-DJC-CSK. Should plaintiff fail to respond or if he cannot
7 demonstrate how these actions are not duplicative, the court will recommend that this action be
8 dismissed.

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10 IT IS SO ORDERED.

11 Dated: June 10, 2025

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13 JEREMY D. PETERSON
14 UNITED STATES MAGISTRATE JUDGE
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